



**Minutes of the
City Commission for the City of Traverse City**

Regular Meeting

March 17, 2014

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Item 2(e) was removed from the Consent Calendar for full discussion.

2. Consent Calendar

Moved by Carruthers, seconded by Richardson, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. The minutes of the March 3, 2014, Regular Meeting, be approved.
- b. The City Manager be authorized to declare surplus a 1998 Yale lift truck and issue a purchase order to Alta Equipment in the amount of \$45,943.20 for the purchase of a 2014 Yale GP100VX, to be used by Traverse City Light and Power, with funds available in the Garage Fund.

- c. The resolution recommending approval of a request from Karukera, LLC d/b/a Bistro Fou Fou for a New Banquet Facility Permit and Catering Permit, be adopted; and that the City Clerk be authorized to issue a Liquor License Registration to Karukera, LLC, d/b/a Bistro Fou Fou to operate such permits at 106 E. Front Street.
- d. An amendment to the Traverse City Code of Ordinances, *Notification Process for Single-Parcel Special Assessments*, Section 232.04, which would require that the City Clerk provide notice of a special assessment on a single parcel within 7 calendar days rather than within 48 hours of adoption of a single-parcel special assessment, be introduced and scheduled for possible enactment on April 7, 2014.
- e. Removed from the Consent Calendar.
- f. The competitive bidding process be waived; and that the City Manager be authorized to issue a service order in the amount of \$6,800 to Cornwell Architects, to prepare a schematic design, evaluate existing facilities and create priorities for renovation to the Senior Center, with funds available in the Senior Center Building Fund.
- g. The City Manager be authorized to issue a purchase order to Safeware, in the amount of \$10,349.69 for the purchase of new RKI Eagle gas monitors, with funds available in the Fire Department Fund, to be reimbursed by the State of Michigan.
- h. The City Manager be authorized to issue a purchase order to Safeware, in the amount of \$13,246.55 for the purchase of new SCBAs, with funds available in the Fire Department Fund, to be reimbursed by the State of Michigan.
- i. An amendment to the Traverse City Code of Ordinances, which would rezone the property located at 10597 East Traverse Highway from R-9(A) to R1-b MU, to revert the conditionally-rezoned property to its zoning prior to the conditional rezoning, as recommended by the City Planning Commission, be introduced and scheduled for possible enactment on April 7, 2014.

- j. The Mayor and City Clerk execute an agreement with City Opera House Heritage Association for it to provide up to \$130,000 in funds to cover all costs associated with the Opera House Dressing Room Project, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney; and that the Opera House Fund be amended by \$130,000 to reflect the receipt and expenditure of such funds; and further that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with Architecture Technology, P.C., in the amount of \$12,250 for design, permitting, bidding and construction administration services in connection with the City Opera House Dressing Room Project, subject to receipt of funds by City Opera House Heritage Association, with funds available in the Opera House Fund.

CARRIED unanimously.

Items removed from the Consent Calendar

a.

Consideration of a recommendation from the Downtown Development Authority Board of Trustees to eliminate free parking in the Larry C. Hardy Parking Deck on weekends and after 5 p.m. on weekdays in May, September and October; and continuing such free parking during the remaining months.

Moved by Budros, seconded by Richardson, that the free parking on the weekends and evenings in May, September and October at the Larry C. Hardy Parking Deck be eliminated, as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street – made general comments
Justin Reid, 630 Cottageview Drive, apartment 1B – expressed support

CARRIED unanimously.

3. Old Business**3(a).**

Consideration of authorizing an amendment to the Vendor Agreement with The River for Clinch Park concessions to modify the arrangement.

The following addressed the Commission:

Jered Ottenwess, City Manager

Mike Sutherland, Sweetwater Sea LLC dba The River

Moved by Richardson, seconded by Howe, that the Mayor and City Clerk execute the third amendment to the agreement with Sweetwater Sea LLC with terms as generally described in the City Manager's March 13, 2014, communication (such agreement originally authorized May 7, 2010, and originally authorized with The River Traverse City), for it to provide concessions at Clinch Park, which extends the agreement for the second of three one-year terms, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Brian Haas, 227 East 10th Street – made general comments

Rick Buckhalter, 932 Kelley Street – made general comments

CARRIED unanimously.

4. New Business**4(a).**

Consideration of authorizing an attorney representation agreement for the city to join a class action lawsuit in connection with price fixing of automotive wire harnesses, with no cost for legal services to the city.

The following addressed the Commission:

Jered Ottenwess, City Manager

Karrie Zeits, Acting City Attorney

Moved by Howe, seconded by Budros, that the Mayor and City Clerk execute an Attorney Representation Agreement between Green & Noblin PC and the City of Traverse City to represent it as a plaintiff in regard to the City claims of price fixing of wire harnesses against affiliated wire harness systems and related product manufacturers as set forth in the Representation Agreement provided that such representation is at no cost to the City of Traverse City and subject to approval as to form by the City Attorney and as to substance by the City Manager.

Rick Buckhalter, 932 Kelley Street – made general comments

Chris Bzdok, 616 West Seventh Street – made general comments

CARRIED unanimously.

4(b).

Consideration of adopting a resolution of support for a \$35,000 Michigan Recreation Passport Grant application for the Clancy Park Improvement Project, to include park walkways, bike racks, a new play structure and other site improvements, which commits the city to provide matching funds.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Easterday, that the Resolution of Support for Michigan Recreation Passport Grant for Clancy Park Improvement Project, which commits the city to providing \$30,600 in matching funds, be adopted.

Sarah Naperala, 638 East Orchard Drive – expressed support

Brian Haas, 227 East 10th Street – made general comments

CARRIED unanimously.

4(c).

Consideration of adopting a resolution of support for a \$257,500 Michigan Natural Resources Trust Fund Grant application for the Boardman River Boardwalk Project, which would develop a public boardwalk on the southwest bank of the Boardman River from the Eighth Street Bridge to the existing Boardman Lake Trail, which commits the city to provide matching funds.

The following addressed the Commission:

Jered Ottenwess, City Manager
Russ Soyring, City Planning Director

Moved by Howe, seconded by Werner, that the Resolution of Support for Michigan Natural Resources Trust Fund Grant for Boardman River Project, be adopted.

Richard Fidler, 525 Riverine Drive – made general comments
Rick Buckhalter, 932 Kelley Street – made general comments
Richard Kushell, 500 Webster Street, Riverine Apartments owner – made general comments

CARRIED unanimously.

5. Appointments**5(a).**

Consideration of appointing an ad hoc interview committee to make a recommendation regarding appointment to the Traverse City Light and Power Board.

Moved by Budros, seconded by Richardson, that Jan Geht be reappointed to one five-year term expiring April 1, 2019, on the Light and Power Board.

CARRIED unanimously.

5(b).

Consideration of accepting the resignation of Michael Grant from the Board of Zoning Appeals and establishing an ad hoc interview committee to make a recommendation regarding appointment to the Board of Zoning Appeals.

Moved by Howe, seconded by Werner, that the resignation of Michael Grant dated February 2, 2014, from the Board of Zoning Appeals be accepted; and that Alternate Member Matt Hanley be appointed as a Regular Member to one unexpired three-year term (seat previously held by Michael Grant) expiring June 30, 2015, on the Board of Zoning Appeals; and that an ad hoc interview committee be established to make a recommendation regarding one unexpired three-year alternate member term expiring June 30, 2015 (seat previously held by Matt Hanley) on the Board of Zoning Appeals; and that Commissioners Howe, Easterday and Werner be appointed to such committee, with Commissioner Easterday to serve as Chair.

The following addressed the Commission:

Benjamin Marentette, City Clerk

CARRIED unanimously.

5(c).

Consideration of accepting the resignation of Judy Myers from the Housing Commission and approving an appointment by the Mayor, with approval by the City Commission, to the Housing Commission.

Moved by Richardson, seconded by Easterday, that the resignation of Judy Myers dated February 18, 2014, from the Housing Commission be accepted; and that the Mayor's appointment of Kelly Whittle to one unexpired five-year term (seat previously held by Judy Myers) expiring November 30, 2015, on the Housing Commission, be approved.

CARRIED unanimously.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Report from the Mayor serving on the Downtown Development Authority.
 - 2. Report from Commissioners serving on the Light and Power Board.
 - 3. Report from the Mayor and Commissioner serving on the Planning Commission.
 - 4. Report from Commissioners serving on other boards.
 - 5. Minutes of the Traverse City Light and Power Board meetings of February 10, 2014, and February 11, 2014.
- e. Reports and correspondence from non-City officials.

None.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

None.

2. General.

Dan Lathrop, Grand Traverse County Board of Commissioners, 9310
Peninsula Drive, Peninsula Township
Rick Buckhalter, 932 Kelley Street
Ann Rogers, 1236 Peninsula Drive

3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers
Commissioner Gary Howe
Mayor Michael Estes
Jered Ottenwess, City Manager

There being no objection, Mayor Michael Estes declared the meeting
adjourned at 8:43 pm.

Benjamin C. Marentette, CMC
City Clerk

Approved: _____, _____
(Date) (Initials)